

REMARKS

Applicants confirm the election of Group I claims 1-6, 10 and the elected species shown on page 16, third compound. As a result of this amendment, claims 1-2, 5-9, 12 have been amended, claim 11 has been cancelled. Claims 7-9, 12-13 are withdrawn. Claims 1-10, 12-13 are presently pending. In a telephone discussion with the Examiner and Applicants' attorney on 8/31/2004 it was agreed that Groups II, III and IV directed to species claims would be rejoined and limited to species falling within elected subject matter of the genus claims. Applicants have cancelled the non-elected subject matter and reserve the right to file in one or more cases any non-elected subject matter in this case without prejudice under 35 USC 121. No new matter has been added to this application by way of amendment. Applicants respectfully request rejoinder of method claim 12 and process claim 13 which have been limited to the scope of the amended compound claims.

In the Office Action, pages 9-10, the Examiner has identified the following scope of the elected subject matter as being examined:

R1, R2, R3 as claimed;
W is an N atom;
X as claimed except further heterocyclyl substitution.

Objections

Claims 1-6, 10 have been objected to for containing non-elected subject matter. Applicants have cancelled the nonelected subject in the claims, withdrawal of the objection is therefore respectfully requested.

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